

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GIOVANNI MCDOWELL,

Plaintiff,

v.

STEVE SMITH, et al.,

Defendants.

No. 1:24-cv-00500-JLT-SAB (PC)

ORDER VACATING SETTLEMENT
CONFERENCE, LIFTING STAY OF CASE,
AND DIRECTING CLERK OF COURT TO
ISSUE THE DISCOVERY AND
SCHEDULING ORDER

(ECF Nos. 28, 33)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On November 12, 2024, the Court issued an order referring this case to the Court's Alternative Dispute Resolution Program, set the case for a settlement conference on January 21, 2025, before Magistrate Judge Barbara A. McAuliffe, and stayed the case. (ECF No. 28.) The Court advised Defendants they could opt-out of the settlement conference with thirty days. (Id.)

On December 12, 2024, Defendants filed a motion to opt-out of the settlement conference because after investigation they felt a settlement conference would be unproductive at this time. (ECF No. 33.)

Accordingly, it is HEREBY ORDERED that:

1. The settlement conference set for January 21, 2025, before Magistrate Judge

Barbara A. McAuliffe is VACATED;

2. The stay of this case is lifted; and

3. The Clerk of Court shall issue the discovery and scheduling order.

IT IS SO ORDERED.

Dated: **December 13, 2024**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE
United States Magistrate Judge